

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

RICHARD E. NAYLON, JR., et al.,

Plaintiffs,

05-CV-0648S(Sr)

v.

**AMENDED CASE
MANAGEMENT ORDER**

**ANTHONY S. BILLITIER, IV., M.D.,
Individually and in his Official Capacity as
Erie County commissioner of Health,**

Defendant.

Pursuant to the Order of the **Hon. William M. Skretny** referring the above case to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16.1(a) of the Local Rules of Civil Procedure for the Western District of New York, it is ORDERED that:

1. Compliance with the mandatory requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure will be accomplished by **December 28, 2007**.

2. All motions to join other parties and to amend the pleadings shall be filed on or before **January 11, 2008**.

3. All fact depositions shall be completed no later than **August 29, 2008**.

4. Plaintiff shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed.R.Civ.P. 26(a)(2)(B) by **April 4, 2008**. Defendant shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed.R.Civ.P. 26(a)(2)(B) by **May 9, 2008**. Such disclosures shall be served on all counsel. See *also* Local Rule 26.

5. All expert depositions shall be completed no later than **September 30, 2008**.

6. All discovery in this case shall be completed no later than **October 10, 2008**.

7. All applications to resolve discovery disputes shall be filed no later than 30 days before the discovery completion date. In the event of bonafide discovery disputes that cannot be resolved by counsels' good faith efforts (*see generally* Local Rule 37), the parties shall submit, by joint letter, signed by all counsel, a statement of the issue(s) to be resolved by the Court. Each party, within five business days thereafter, shall submit by letter a statement of facts and law it wishes the Court to consider. Original letters shall be filed with the Clerk of the Court, and a courtesy copy shall be provided simultaneously to Chambers. The Court reserves the right to request full briefing by the parties, in which case the Court will so advise the parties.

8. Plaintiff's counsel shall submit a formal written settlement demand to defendants' counsel no later than **October 3, 2008**. Defendant's counsel shall respond to plaintiff's counsel in writing no later than **October 17, 2008**.

9. A subsequent pretrial conference shall be held with the undersigned at 418 U.S. Courthouse, Buffalo, New York on **October 27, 2008 at 10:00 a.m.** to discuss the possibility of settlement.

10. Dispositive motions by all parties shall be filed and served no later than **November 28, 2008**. See *generally* Local Rule 7.1(c); 56. Such motions shall be made returnable before Judge Skretny, or if the Magistrate Judge has dispositive motion jurisdiction in the case, before the Magistrate Judge.

11. In the event no dispositive motions are filed, pretrial statements in strict compliance with Local Rule 16.1(l) shall be filed and served no later than **Decemberr 31, 2008**, and the parties shall strictly adhere to the dates set forth in paragraphs 13 and 14 below.

12. A final pretrial conference pursuant to Fed.R.Civ.P. 16(d) and Local Rule 16.1(j) will be held on **January 21, 2009 at 9:00 a.m.** before Judge Skretny.

13. Trial is set for **March 24, 2009 at 9:30 a.m.**

14. Adjournments: The dates in this scheduling order may not be extended by agreement of counsel. Pursuant to Judge Skretny's Guide for Civil Litigation, extensions may be granted, for good cause shown, only upon motion to Judge Skretny, or if the Magistrate Judge has dispositive motion jurisdiction in the case, before the Magistrate Judge. See Guide for Civil Litigation, II(A)(2).

15. Intermediate Settlement Conference: If counsel are of the belief that an intermediate conference before the Magistrate Judge would be of assistance in the prompt disposition of the case, such a conference will be scheduled upon application of any party.

16. Counsel are directed to refer to Judge Skretny's Guide for Civil Litigation for additional guidelines.

17. Courtesy Copies: Courtesy copies of all motion papers shall be provided to chambers simultaneously with their filing in the Office of the Court Clerk.

18. Sanctions: Counsel's attention is directed to Fed.R.Civ.P. 16(f) calling for sanctions in the event of failure to comply with any direction of this Court.

SO ORDERED.

DATED: Buffalo, New York
December 18, 2007

S/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge